IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25128 of 1997

Dated: January 24, 2007

Between:

A. Lakshmana Rao, S/o. Subbarao, aged about 51 years, R/o. Kandikuppa village, Katrenikona Mandalam, East Godavari District, and others.

... Petitioners

And

The District Collector, East Godavari District, Kakinada, and others.

... Respondents

Order:

This writ petition has been filed seeking Mandamus to direct respondents not to cancel the assignment granted in favour of petitioners on 12-12-1967 over an extent of Ac.00.10 cents in S.No.70/1-4, Ac.00.18 cents in S.No.70/1-2, 70/1-2A, Ac.0.9 cents in S.No.70/1-5 cents, Ac.0.7 cents in S.No.70/1-2B and Ac.0.6 cents in S.No.70/1-4B (totalling Ac.00.50 cents) in

Kandikuppa village, Katrenikona Mandal, East Godavari District.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioners had represented to the District Collector in 1967 to allot house site pattas in their favour since they did not own any house. After conducting enquiry, the first respondent-District Collector, issued proceedings granting assignment of the aforesaid land in favour of petitioners. It is stated that the above assignment was made at the rate of Rs.5,000/- per acre and after the amount was paid, the then Tahsildar granted pattas on 12-12-1967 in their favour. The case of the petitioners is that they constructed thatched houses and raised coconut trees in the lands which were assigned in their favour. Their grievance is that respondents are taking steps to cancel the assignment granted in their favour and allot the same to some buddy shop owners, without issuing any prior notice to them.

3. This court, while admitting the Writ Petition, by order dated 29-09-1997, in WPMP No.29273 passed interim orders directing respondents not to interfere with the possession of petitioners over the aforesaid lands. Though the Writ Petition is of the year 1997, no counter affidavit has been filed.

4. Petitioners have filed a copy of the proceedings issued by the District Collector, East Godavari, as early as on 05-12-1967 wherein assignments were made in their favour for house sites by collecting market value. They

have also constructed thatched houses therein. Except the apprehension of petitioners that respondents are proposing to cancel the assignments granted in their favour, there is no other basis. As the petitioners have filed a copy of the proceedings issued by the District Collector, wherein they were allotted house sites, I dispose of the Writ petition directing the respondents not to deprive the petitioners of their lands without following due process of law. No costs.

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JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR